

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**THE ESTATE OF MARJORY GAIL  
THOMAS OSBORN-VINCENT,**

Case No. 3:16-cv-02305-YY

Plaintiff,

**OPINION AND ORDER**

v.

**AMERIPRISE FINANCIAL SERVICES,  
INC.,** a Delaware Corporation, and  
**RIVERSOURCE LIFE INSURANCE  
COMPANY,** a Minnesota Corporation,

Defendants.

**MOSMAN, J.,**

On April 24, 2020, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [ECF 213], recommending that this Court grant Defendants’ Motion for Summary Judgment [ECF 200]. Plaintiff objected on May 6, 2020 [ECF 215], which Defendants responded to on May 20, 2020 [ECF 218]. Upon review, I agree with Judge You. I LIFT the stay, GRANT the motion, and DISMISS this case.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make

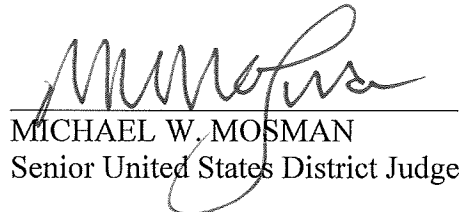
a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge You's recommendation, and I ADOPT the F&R [ECF 213]. I LIFT the stay, GRANT Defendants' Motion for Summary Judgment [ECF 200], and DISMISS this case with prejudice.

IT IS SO ORDERED.

DATED this 9<sup>th</sup> day of September, 2022.

  
MICHAEL W. MOSMAN  
Senior United States District Judge